

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

## **ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION**

Before the Court is Defendant Gabriel Sherrod’s Motion to Suppress (doc. 26). An evidentiary hearing was held on June 28, July 6, and July 7, 2017 before United States Magistrate Judge Sarah W. Hays. On October 13, 2017, Judge Hays issued the Report and Recommendation (“R&R”). (Doc. 56.) Defendant filed objections to the R&R (doc. 60), and the Government filed its memorandum opposing defense objections and objecting in part to the R&R (doc. 61). Defendant then filed a motion to strike the Government’s objections to the R&R as untimely. (Doc. 62.)

Pursuant to Federal Rule of Criminal Procedure 59(b)(3), “[a] district judge must consider de novo any objection to a magistrate judge’s recommendation.” After an independent, de novo review of the record, including all exhibits admitted at the evidentiary hearing, the applicable law, and the parties’ objections and original motion, the Court adopts the Report and Recommendation of Judge Hays in its entirety.

Accordingly, it is **ORDERED** that:

- (1) Defendant's Motion to Suppress (doc. 26) is **GRANTED in part** and **DENIED in part**. The Court **SUPPRESSES** evidence which was discovered only as a result of the search which occurred pursuant to Amy Sherrod's consent (i.e. the United States passport). The Court does not suppress the evidence which was observed in plain view (i.e. the piles of firearms, the handgun, the syringes, the spoon with residue, and the scale).
- (2) Magistrate Judge Sarah W. Hays' Report and Recommendation (doc. 56) shall be attached to and made a part of this Order; and

(3) Defendant's motion to strike Government's objections (doc. 62) is **DENIED**.

s/ Roseann A. Ketchmark

ROSEANN A. KETCHMARK, JUDGE  
UNITED STATES DISTRICT COURT

DATED: December 1, 2017